



Approved September 13, 2006

**SCOTTSDALE PLANNING COMMISSION  
REGULAR SESSION  
VIA LINDA SENIOR CENTER  
10440 N. VIA LINDA  
SCOTTSDALE, ARIZONA  
AUGUST 30, 2006**

**PRESENT:** Steve Steinberg, Chairman  
James Heitel, Vice-Chairman  
David Barnett, Commissioner  
Steven Steinke, Commissioner  
Eric Hess, Commissioner

**ABSENT:** Kevin O'Neill, Commissioner  
Jeffrey Schwartz, Commissioner

**STAFF PRESENT:** Lusia Galav  
John Lusardi  
Joe Padilla  
Don Hadder  
Kira Wauwie  
Tim Connor  
Phillip Kercher  
Harry Higgins

**CALL TO ORDER**

The regular meeting of the Scottsdale Planning Commission was called to order by Chairman Steinberg at 5:13 p.m.

**ROLL CALL**

A formal roll call was conducted, confirming members present as stated above.

**APPROVED**

**NON ACTION ITEMS DISCUSSION ONLY**

3. 6-GP-2006 Lone Mountain Office

Request by owner for a major General Plan Amendment of the Land Use Element from "Rural Neighborhoods" to "Office" on a 2.5 +/- acre parcel located at 7171 E. Lone Mountain Road.

Mr. Lusardi clarified that the hearing on the GPA was for the purpose of gathering information. He reviewed the specifics on the application including the request and the surrounding context; it is in the Desert Foothills Character Area.

Mr. Lusardi highlighted goals and strategies for addressing land use and development within the Character Area boundaries. They plan to preserve the natural visual qualities of the lush upper Sonoran Desert, to promote connected areas of desert open space and trails, and to identify and celebrate the rural character with a unique desert community. Within the Foothills Character Area it is identified that appropriate land uses would be low density, single family residential, private equestrian residential, ranches, stables and major equestrian facilities, places of worship and public facilities and infrastructure.

Mr. Lusardi reviewed the appropriate zoning districts as identified by the Foothills Overlay, noting they could be combined with an ESL or an HP overlay. Office use and zoning is not supported in the identified Foothills Overlay Character Area which is located on a scenic corridor and a desert scenic roadway. Transition and buffering issues of adjacent residential uses as well as vehicular access issues could pose a problem with the use that is being proposed. There are concerns that changing the General Plan amendment may set a precedent for other sites or other parcels within that area. Mr. Lusardi clarified that the commercial development across the street from the site was not approved under the City of Scottsdale, the zoning designation was annexed.

The City sponsored an open house on June 5, 2006 and the Applicant had an open house on August 23, 2006. Both open houses were lightly attended, information and correspondence obtained were included in Commissioner packets. The Planning Commission is scheduled to make a recommendation on September 27th and City Council will hear the case on October 31, 2006.

In response to a request by Commissioner Barnett, Mr. Connor explained that the scenic corridor design guidelines call for a 100-foot wide scenic corridor, regardless of the use classification. For small lot or single family residential large lot less than five acres, each site is reviewed with the hope of achieving a 50-foot wide scenic corridor. In this case in the dedicated northern and southern scenic corridor tapering would be done to minimize a stair-step effect to accomplish a natural contour. Staff hopes to work with the individual on the site plan of a residential in hopes of orientating the scenic corridor towards the intersection and utilizing that area for NAOS designation.

In response to an inquiry by Commissioner Barnett regarding the height designation, Mr. Connor explained the Foothills overlay in the ESL district has a

height restriction of 24 feet for single family residence, in the SR district there is an 18 foot restriction.

Mr. Lusardi clarified that no distinction exists in the General Plan between office and minor office. Commissioner Barnett commented about the Applicants responding to neighbor concerns by stating that they would commission an independent study to quantify impacts of the amendment on property valuation and questioned whether independent economic data is relevant to land use. Mr. Lusardi confirmed that any study results would be provided to Commissioners; staff could not verify accuracy unless a concurrent or peer analysis were run.

In response to an inquiry by Chairman Steinberg regarding area of buildable pad left after factoring all the set requirements, Mr. Connor stated that a detailed analysis would take place at the zoning level. The site plan, including plans for a drive-through, would be reviewed by Zoning and Transportation.

Mr. Connor confirmed the block wall depicted along the east side of the property on attachment number 2 ran approximately along the 50 foot setback.

Mr. David Gulino, 4413 North Saddlebag Trail, addressed the Commission. He mentioned that site plan and elevations included in the packed depicted a residential feeling development. He noted that the Ordinance and the Character Overlay did not preclude a commercial use. The intention of the Foothills Overlay was to create a character within the district that is commensurate with what was there before and with the desires of the neighbors. The Applicants intention is to meet or exceed development standards that have been created by the Overlay. The height limitation will be maintained at 18 feet and the goal is to use vegetation and berming as a screen for parking, rather than perimeter walls. He noted that building setbacks exceed the R1-70 designation.

In response to an inquiry by Commissioner Barnett, Mr. Gulino confirmed the property is essentially cut in half by scenic corridor; after dedicating one acre of the two and a half acre parcel, an acre and a half will be the building envelope.

Mr. Gulino opined that the property would not be viable as a quality residential lot, noting that the parcel is one of four in North Scottsdale less than two and a half acres and therefore would not set precedence. He mentioned that there was extensive neighborhood support. He reiterated the goals of the Desert Foothills Character Area study.

Commissioner Barnett inquired about driveway access, noting there were no easements or setbacks on the maps. Mr. Gulino explained a circular driveway may create an allowable situation off of Lone Mountain. Mr. Gulino noted that staff had a concern because the driveway was only 240 feet from the intersection.

In response to an inquiry by Commissioner Steinke, Ms. Galav confirmed that the zoning request would come through on September 27th with this application.

Commissioner Steinke clarified that the application was specifically for land use. He opined that the statement of support would have been more appropriately included with the zoning application, as opposed to the land use.

Mr. Lusardi commented that other uses or zonings that could be within the General Plan amendment needed to be looked at, which is the reason staff raised the present issue; it needed to be treated at the General Plan level while remaining aware of the concurrent zoning and CUP.

Vice-Chairman Heitel commented that a good argument was made that the parcel was one of few in the north able to sustain a change because of its small size and two major arterials. He expressed concern about what effect this would have on the future of the area if others were to come in with the same arguments. Mr. Gulino clarified that if the bank were no longer placed on the parcel any other business would have to submit a new use permit application; he offered to make the General Plan approval conditioned on the zoning approval if possible. Further specifying, Mr. Gulino expressed a willingness to stipulate a development agreement that the use would be for a bank.

In response to a question by Chairman Steinberg, Mr. Gulino confirmed that the site plan had been reviewed by the Fire Department. Mr. Gulino stated that if the City Ordinance allowed, a monument sign would be preferred.

Chairman Steinberg inquired whether the pads at Pederson's site or the Summit had been looked at, rather than having a standalone bank, noting that other standalone banks in the area had struggled. Mr. Gulino opined that the demand would support both areas.

Commissioner Hess stated that he had the same concerns as Vice-Chairman Heitel and would feel more comfortable if there were a way to tie the use permit and the zoning to the General Plan amendment application; if the bank closes its doors the City would have more control if there were a tie between these items. He mentioned the issues with the City of Phoenix zoning everything up to Jomax commercial and how that could eventually affect the desert. Mr. Gulino reiterated that the proposed development would be residential in character and respectful of preserving as much open space as possible.

In response to an inquiry by Vice-Chairman Heitel, Mr. Gulino estimated that the hours of operation would be normal business hours, 9 a.m. to 5 or 6 p.m.; he offered to stipulate to those hours. Mr. Gulino reviewed the drive pattern for the drive-up window in response to a request by Chairman Steinberg. Security lighting requirements will fall under the allowable lighting for the current Foothills Overlay.

Mr. Gulino confirmed that complete site plans, elevations, and setbacks would be included in the final application in September.

In response to a question by Commissioner Hess, Mr. Padilla agreed to research whether everything could be tied together versus voting on the General Plan. He will either distribute the findings to each Commissioner individually or bring the information to the next meeting.

Christopher Heede, resident, addressed the Commission. He expressed concern about traffic on Lone Mountain and westbound traffic making left-hand turns. He noted a concern about headlights from the commercial area being visible from the residential property. Thirdly, he expressed concern about the safety of people using the area at night and the amount of people it would attract.

Brent Nerguizian, resident, addressed the Commission. He spoke in favor of the development. He noted that he had been made written promises which addressed all of his initial concerns about the development. He read a letter addressed to him from the Applicant confirming that the building height would be limited to 18 feet, parking lot lighting would be low level bollard type used only for security purposes, lighting on the building would be shielded or recessed into the building to prevent horizontal viewing of light, and parking would be confined to the south side of the building. He opined that it was important to maintain the scenic corridor of the area and that a bank would be the best use because it would be low intensity and would increase area property values.

Howard Myers, 6631 East Horned Owl Trail, addressed the Commission. He reiterated that the application was a land use issue. In no way does the Desert Foothills Overlay allow for commercial development; allowing this would open the door for development on every other major corner going down Scottsdale Road. He noted that the only commercial development in the area was the Basha's shopping center, which was not planned; it already existed.

Mr. Myers clarified that every citizen group in that area opposes the amendment; noting that the petitioners were supplying misleading information. He expressed hope that the Commission would not entertain all the ideas of the way it would look, et cetera and keep in mind the land use issue. He noted that the bank hours would be incompatible with the area. Banking hours are no longer 9 to 5, because of the drive-up ATMs.

Mr. Gulino addressed the traffic concerns raised by the speakers, noting that a traffic study would be conducted which may result in a right in, right out only situation. He mentioned that the twenty feet buffer on the south and west side should screen out any headlight impacts on the neighborhood. Mr. Gulino agreed with Mr. Myers that this was a land use issue, but felt that it would not make sense as a single family residential structure.

In response to an inquiry by Commissioner Barnett, Mr. Gulino noted that there had not been any interest in working on a differently entryway from the property owners to the west.

1. 4-GP-2006 Winstar Pro

Request by owner for a major General Plan Amendment of the Land Use Element from "Cultural/Institutional or Public Use" to "Office" on a 5/- acre parcel located at 9909 E. McDowell Mountain Ranch Road.

Mr. Lusardi requested that 4-GP-2006 and 5-GP-2006 be reviewed together.

2. 5-GP-2006 2005 R.E. Investments

Request by owner for a major General plan Amendment of the Land Use Element from "Cultural/Institutional or Public Use" to "Office" on a 5+/- acre parcel located at 15522 N. Thompson Peak Parkway.

Mr. Lusardi stated that the two cases had similar issues. He reviewed that a General Plan amendment was filed in 2003 for employment and was withdrawn by the Applicant. The Council approved a General Plan amendment on the adjacent site for urban neighborhoods and then in 2005 they denied a General Plan amendment for urban neighborhoods on the subject sites. The major issues being reviewed are the impact on adjacent and surrounding land uses with respect to view corridors and view-sheds. The difference between the two sites, is GP-5 has access only from McDowell Mountain Ranch Road. Staff would work with the Applicant, the developers of GP-4, to provide for access to GP-5, which would typically be through a dedication on the site. The third issue was influences on the historic Old Verde Canal and how it would be impacted by development.

In response to a question by Commissioner Barnett, Ms. Wauwie explained that the other nearby parcel passed by City Council was zoned R1-35 because the companion zoning case requesting a rezoning to R-5 had not yet been considered for final decision; additional work needed to be done on the details of the case.

Vice-Chairman Heitel inquired regarding a letter from the owners of the adjacent site which suggested that they believed they should receive office designation if the other two parcels were approved. The owner of that property indicated that he would address questions during the public speaking segment of the meeting.

In response to a question by Commissioner Barnett, Mr. Lusardi stated that from a planning perspective the two properties could be looked at as a single development with respect to access; GP-5 has to get its access from the site on GP-4 and the adjacent property. Staff cannot guarantee that the two properties will be developed simultaneously or with one developer. Transportation planning would not allow access from North Thompson Peak Parkway.

Commissioner Steinke inquired about whether the access that touches North Thompson Peak just before the bridge is continuous and if it could be a potential access. Mr. Kercher explained that what is under construction was a loop driveway being constructed as part of the McDowell Mountain Ranch Aquatic Center. Some potential exists to have access from the loop road, but the Transportation Department's goal is to get access to McDowell Mountain Ranch. The loop is not designed to street standards for access, it is a driveway. The Transportation Department would like to see all three developments work together to achieve an access plan that will work coming off of McDowell Mountain Ranch Road.

Vice-Chairman Heitel suggested there may be opportunities to require the two parcels to be developed in a similar cohesive manner in order to avoid traffic

problems. Mr. Lusardi reiterated that there cannot be a stipulation, although staff could encourage the Applicants to work together; the site design will be looked at during a zoning or DRB hearing.

Paul Gilbert, representative for the Applicants, addressed the Commission. He opined that the cultural institutional designation was not a practical use for the properties. He reviewed that the property owners had unsuccessfully applied for both employment and multifamily residential in the past, they are now coming forward with office. Mr. Gilbert reviewed the reasons that office use would be an appropriate use for the area.

In response to a question by Vice-Chairman Heitel concerning connectivity between the two parcels, Mr. Gilbert stated that he could inform them of the need for inner connection. Mr. Gilbert noted that a specific site plan was not chosen because the owners wanted to establish the use as a General Plan amendment and then bring it in with the zoning case that would follow.

Chairman Steinberg inquired about the reason for bringing in a two-story concept when City Council recommended a one story or SR 18 foot maximum height. Mr. Gilbert argued that that opinion was never expressed as a majority view of the City Council; when presenting a site plan compatibility may be shown for two-story. He clarified that there was no slope that would preclude any major objections to a two story structure.

Commissioner Steinke observed that 5-GP-2006 is an island and cannot be accessed without addressing access. If the Commission is going to be asked to vote on the use he hoped that the access question would be addressed even without a zoning request.

John Thomas addressed the Commission as a representative of his mother Judy Thomas who owned the adjacent property. He addressed Vice-Chairman Heitel's question regarding the letter he had written. He explained that because their property is surrounded by commercial, it would make sense to allow them to have rentals on their property, as opposed to individual residential. Mr. Thomas mentioned that a topographical survey was recently conducted on their property which showed a 17-foot fall. He felt this indicated that there may be a larger fall on the applicant properties; it would seem reasonable and beneficial to allow up to three stories if that were the case.

In response to an inquiry by Commissioner Barnett, Mr. Thomas clarified that there was no time frame for zoning application as of yet.

#### **WRITTEN COMMUNICATION**

None.

**ADJOURNMENT**

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission adjourned at 6:43 p.m.

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Respectfully submitted,  
A/V Tronics, Inc.